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Our Reference: MOR-223-A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroyuki Takahashi and Kiyoe Takahashi
Serial Number: 09/673,680
Filing Date: October 17, 2000
Examiner/Art Group Unit: Kiley Shawn Stoner/1725
Title: THERMAL DECOMPOSER FOR WASTE

PETITION REQUESTING WITHDRAWAL
OF THE HOLDING OF ABANDONMENT

MS PETITIONS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The United States Patent and Trademark Office (PTO) mailed a Notice of Abandonment on January 3, 2005 for the subject application stating that the corrected drawings were not timely filed as required within the three-month period set in the Notice of Allowability.

The Applicant's attorney first became aware of this Notice of Abandonment when another law firm, McGuire Woods L.L.P., faxed us a copy of the Notice which was mistakenly mailed to their law firm by the PTO. The Applicant's attorney called the Examiner promptly after receiving the faxed copy of the Notice to confirm that the Notice of Abandonment was properly issued to the correct file in light of the incorrect mailing address of the Notice. Examiner Stoner confirmed that the PTO never received the corrected drawings for the subject patent application. The Applicant's attorney never received the return stamped postcard from the PTO indicating receipt of the Submission of Replacement Drawings with the two sheets of replacement drawings.

This petition requests withdrawal of the Holding of Abandonment because the corrected drawings (Figures 7 and 8) were properly mailed on October

Application Serial No. 09/673,680

Page 2 of 2

Date February 8, 2005

Reply to Notice of Abandonment dated January 3, 2005

18,2004. An additional copy of the previously mailed documents are enclosed, including the copy of the Certificate of Mailing signed by the attorney for the Applicant. As the attorney for the Applicant, I signed the Certificate of Mailing and I have personal knowledge that the Submission of Replacement Drawings and the Certificate of Mailing were mailed on October 18, 2004. As further evidence, I am enclosing a portion of our law firm's daily log dated October 18, 2004 indicating the postage charged the client for the mailing of the replacement drawings to the PTO that day.

Reconsideration and withdrawal of the Notice of Abandonment is respectfully requested.

No petition fee is required. However, if the PTO believes that a fee is required, it may be taken out of our Deposit Account No. 25-0115.

Respectfully submitted,

YOUNG & BASILE, P.C.



Darlene P. Condra
Attorney for Applicant(s)
Registration No. 37113
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107

Dated: February 8, 2005
DPC/dge



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CERTIFICATE OF MAILING AND TRANSMITTAL LETTER

MS PETITIONS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted with this document is a Postcard; Petition Requesting Withdrawal of the Holding of Abandonment; copy of faxed Notice of Abandonment received from the law firm, McGuire Woods L.L.P.; copy of Submission of Replacement Drawings and Certificate of Mailing filed on October 18, 2004; copy of two (2) sheets of Replacement Drawings; copy of portion of daily log dated October 18, 2004 indicating postage charges in the above-identified application.

- X No additional fee is required.
- X Please charge any deficiency or credit any excess in the enclosed fees to Deposit Number 25-0115.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on **February 8, 2005**.

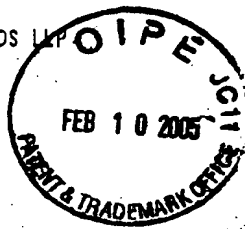
Respectfully submitted,

YOUNG & BASILE, P.C.

Darlene P. Condra

Darlene P. Condra
Attorney for Applicant(s)
Registration No. 37113
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107
DPC/dge



facsimile transmittal

To: Andrew R. Basile

Fax: 248-649-3338

From: McGuire Woods LLP

Date: 1/6/2005

Re: Correspondence Received

Pages: 4 Including Cover Letter

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle



VIA FACSIMILE AND MAIL

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JAN 06 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
Address: P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,680	10/17/2000	Hiroynki Takabashi	MOR-223-A	4008

EXAMINER

STONER, KILEY SHAWN

ART UNIT

1725

PAPER NUMBER

DATE MAILED: 01/03/2005

7590 01/03/2005
Andrew R Basile
Young & Basile
Suite 624
3001 West Big Beaver
Troy, MI 48084-3107

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

McGUIREWOODS LLP
RECEIVED
JAN 06 2005
RECEIVED

BEST AVAILABLE COPY

Jan-06-05 04:30pm From-McGuireWOODS LLP

703-712-5186

T-648 P.003/004 F-275



United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09673680

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
 - ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
 - ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. **Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. **Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment